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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/661,163	09/13/2000	Steven A. Weiss	30083-pa	7517
37095	7590	11/05/2003	EXAMINER	
BERNHARD KRETEN, ESQ & ASSOCIATES 300 CAPITOL MALL, SUITE 1100 SACRAMENTO, CA 95814			NGUYEN, KIM T	
			ART UNIT	PAPER NUMBER
			3713	

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/661,163

Applicant(s)

WEISS, STEVEN A. *cr*

Examiner

Kim Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 and 9-21 is/are allowed.
- 6) ☒ Claim(s) 22, 23 and 25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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DETAILED ACTION

The amendment filed on August 21, 2003 (paper No. 19) has been received and considered.

By this amendment, claims 1-7, 9-23 and 25 are now pending in the application.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

2. Claim 25 is rejected under 35 U.S.C. 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

In claim 25, lines 8-9, the claimed limitation "means for playing ... first gaming events" are not disclosed in the specification.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

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having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 22-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (WO 98/20949).

a. As per claim 22, Bennett discloses a method for gaming including enabling a bingo game upon receipt of a wager (abstract; page 6, lines 12-15), receiving a target bingo outcome selected by the player, generating bingo outcomes and comparing the generated bingo outcomes with the target bingo outcome, and awarding the player (Fig. 2; abstract). Bennett does not disclose the award is credits. However, providing credits as an award would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to award the player with the well known credits in order to facilitate accumulating award by adding up the credits earned.

b. As per claim 23, refer to discussion in claim 22 above. Further, Bennett discloses a display (Fig. 1) with bingo indicia generated by random output means (abstract). Bennett does not explicitly disclose combining indicia to form a plurality of bingo outcomes. However, Bennett discloses generating series of indicia and providing an award if a predetermined number of matches occurs (Fig. 2, abstract). Further, combining indicia to produce a number of outcomes in a bingo game would have been well known to a person of ordinary skill in the art at the time the invention was made. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to combine indicia of Bennett in order to produce a plurality of outcomes in a random drawing.

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Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over Bennett (WO 98/20949) in view of Yoseloff (US. Patent No. 6,398,645) and Takemoto et al (US. Patent No. 5,810,665).

As per claim 25, refer to discussion in claim 23 above. Bennett does not disclose means for playing a second game event concurrently with the first gaming event, and saving the state of play. However, Yoseloff discloses allowing the player to play several game events concurrently (col. 9, lines 53-65), and Takemoto discloses saving means for use in a slot machine (col. 6, lines 18-20 and 56-61). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to allow the player of Bennett to play games concurrently as taught by Yoseloff and allow the player to save state of the game as taught by Takemoto in order to allow the player to play a plurality of games at the same time to save playing time, and to allow the player to save the game in a portable memory device to allow the player to continue the game later.

Allowable Subject Matter

5. Claims 1-7 and 9-21 are allowed.
6. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record does not disclose a method for gaming comprising the steps of producing a plurality of indicia to be used in a plurality of concurrent games, the indicia combined to produce an outcome for each concurrent game, at least one of the concurrent games has an

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ultimate winning outcome and a plurality of intermediate winning outcomes; displaying the indicia in the plurality of concurrent games; comparing each outcome for each concurrent game to the ultimate winning outcome; triggering an event subsequent to the plurality of concurrent games if any of the outcomes matches the ultimate winning outcome; determining whether any of the outcomes matches the ultimate winning outcome or any of the plurality of intermediate winning outcomes in any of the concurrent games; awarding credits if any of the outcomes matches the intermediate winning outcomes; continuing to produce subsequent pluralities of indicia until the ultimate winning outcome is produced or until the subsequent outcomes are no longer possible; and saving the current set of the outcomes and the subsequent outcomes on an encoded movable media to dispense to the player for later use.

Response to Arguments

7. Applicant's arguments filed August 21, 2003 have been fully considered but they are not persuasive.

a) In response to applicant's argument in page 13, last paragraph, the specification page 11, lines 11-15, discloses allowing the player to play a subsequent gaming proposition. However, the specification page 11, lines 11-15, does not disclose allowing the player to play a second gaming event concurrently with first gaming events.

b) Applicant's arguments in pages 14 through 19 are moot because claims 1-7 and 9-21 have been allowed, and claims 22-23 and 25 are rejected in view of the new ground of rejection.

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8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any response to this final action should be mailed to:

Box AF

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9303, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Or:

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(703) 308-7768 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA.,
Second Floor (Receptionist).

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday - Thursday from 8:00 am to 5:30 pm ET. The central official fax number is (703)872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703)308-1148.

kn
Date: October 30, 2003


KIM NGUYEN
PRIMARY EXAMINER